

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**Docket No.
F01-257-UScontIn Re Application Of:
Katsuhide Manabe, et al.Serial No.
10/052,347Filing Date
January 23, 2002Examiner
Mulpuri, SavitriGroup Art Unit
2812

Invention:

A METHOD FOR MANUFACTURING A GALLIUM NITRIDE GROUP COMPOUND SEMICONDUCTOR

Owner of Record:

Toyoda Gosei, Co., Ltd., Japan Science and Technology Agency and Nagoya University

TO THE COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,733,796. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.


Signature

Dated: June 22, 2005

07/27/05 14:38 FAX 7037612375 Sean M. McGinn, Esq., Registration No. 34,386

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☐ PTO suggested wording for terminal disclaimer was unchanged.
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Savitri Mulpuri, Group Art Unit #2812 at fax number (703) 872-9306 this 22nd day of June, 2005.



Phillip E. Miller

Reg. No. 46,060

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June 22, 2005

VIA FACSIMILE

To: Examiner Savitri Mulpuri
Group Art Unit No. 2812
U.S.P.T.O

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From: Phillip E. Miller

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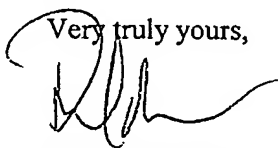
Re: Enclosed Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent
U.S. Patent Application Serial No. 10/052,347
Our Ref: FUJIT.020CONT

Dear Examiner Mulpuri:

Please find enclosed an Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent which should place this case in condition for immediate allowance.

Thank you in advance for your consideration on this case.

Very truly yours,


Phillip E. Miller

PEM/lmb

Enclosure

No. of Pages (including this cover sheet): 4